



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

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Section 3: Rights and Privileges	Effective Date: Aug. 1, 1997
Signature: /s/ Mike Ferriter, Director	Revised: 06/01/02; 03/28/07; Reviewed: 05/28/08

I. POLICY

The Department of Corrections will provide visiting privileges for offenders and pre-approved visitors in accordance with mandatory security requirements and established facility procedures.

II. APPLICABILITY

Department and contracted facilities and programs.

III. DEFINITIONS

Chief of Security – The staff person, regardless of local title (security major, director of operations), designated by the facility administrator to manage the facility security program.

Facility – Refers to any prison, correctional facility, correctional or training program under Department jurisdiction or contract.

Facility Administrator – The official, regardless of local title (administrator, warden, superintendent), ultimately responsible for the facility or program operation and management.

IV. DEPARTMENT DIRECTIVES

A. General Requirements

1. The chief of security, or designee, will oversee the facility visiting program.
2. Offender visiting arrangements will permit a degree of informality, including opportunity for limited physical contact; however, this opportunity must be consistent with the facility's overall security requirements.
3. Facility staff will ensure that written information governing visits is available to offenders within 24 hours after their arrival at the facility.
4. Facility visiting procedures will address the following provisions:
 - a. schedules that ensure reasonable visiting hours and offender availability;
 - b. methods for notifying and disseminating visiting schedules and rules to prospective visitors prior to visits;
 - c. retention of official visiting records or logs that document each visitor's signature, the date and time of the visit, and any unusual incidents;
 - d. lists or logs of approved visitors maintained confidentially and unavailable for public disclosure;

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- e. visiting space adequately staffed and equipped for effective supervision and surveillance;
- f. accommodations for special or extended visits, e.g., attorneys, clergy;
- g. visiting as a privilege that may be curtailed as a disciplinary sanction; and
- h. entrance and search procedures that comply with *DOC Policies 3.1.5, Entrance Procedures, and 3.1.17, Searches and Contraband Control*.

B. Information for Visitors

1. Facility staff will provide, at a minimum, the following information for offenders to give to their family and friends:
 - a. process for requesting visits;
 - b. facility address/phone number, directions to facility, and information about local transportation;
 - c. visiting days/hours and number of visitors;
 - d. approved dress code and visitor identification requirements;
 - e. entrance and search requirements;
 - f. rules pertaining to children;
 - g. items authorized to bring to the visits area, including any items that visitors may give to the offender, e.g., photos;
 - h. grounds on which visits may be denied or terminated; and
 - i. rationale for special or extended visits.

C. Approval of Visitors

The facility's procedures for visitor approval will incorporate the following guidelines:

1. All visitors are subject to a criminal background check in accordance with *DOC Policy 3.1.5, Entrance Procedures*.
2. Persons under the age of 18 may visit offenders in the presence of a parent or legal guardian or other person approved by the facility administrator. Unless the facility administrator makes an exception, children under the age of 18 may not visit unless accompanied by a responsible adult.
3. Persons on probation or parole, or on other forms of conditional release, may not visit offenders. The facility administrator, after contact with the person's probation and parole officer, may authorize an exception to this rule, e.g., visits from an immediate family member on conditional release status.
4. The facility administrator will not automatically exclude persons with a criminal background from visits; however, he or she will weigh factors such as the nature and extent of the criminal record, supervision status, any history of recent criminal activity, and any potential threat to the facility's safety and security.
5. The chief of security may exclude a person from the approved visitor's list if he or she has a reasonable suspicion that a person may have a potentially detrimental effect on the offender or may constitute a threat to facility safety or security.

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6. When staff excludes a person from the approved visitor's list, they must notify the offender in writing of the reasons for the denial. The offender may appeal the decision to the facility administrator.

D. Searches of Visitors

1. Staff will identify and search all visitors in accordance with *DOC Policy 3.1.5, Entrance Procedures*, and *DOC Policy 3.1.17, Searches and Contraband Control*. In accordance with these policies, visitors are subject to pat-downs or metal detector sweeps as a condition of visitation and absent any suspicion of policy violation. Staff may request a visitor to participate in a strip search if there is reasonable suspicion the visitor is engaged in wrongdoing.
2. The facility will prominently display a large sign outside the visiting area entrance to:
 - a. inform visitors they are subject to search; and
 - b. explain the consequences from the introduction of contraband into the facility.
3. If a visitor refuses to submit to a required or reasonable suspicion search, staff will deny the visit and may deny future visits for this individual.
4. If contraband is found on a visitor, staff will confiscate the contraband, terminate the visit, and submit a detailed incident report to the appropriate supervisor. The visitor will have visiting privileges terminated for a period of time deemed appropriate by facility procedure. Depending on the nature of the contraband, staff may immediately contact law enforcement and detain the visitor in accordance to *DOC Policy 3.1.5, Entrance Procedures*.

E. Searches of Offenders

1. Facility procedures must include strip search requirements for offenders who have contact with the general public in accordance with *DOC Policy 3.1.17, Searches and Contraband Control*.
2. Staff must be alert to any indication of items hidden in body cavities of offenders and, if such searches become necessary, comply with the body cavity search restrictions in accordance with *DOC Policy 3.1.17, Searches and Contraband Control*.

F. Visiting Area Searches

1. Staff must thoroughly search all areas accessible to visitors and offenders before and after visits to include, but not limited to, the following:
 - a. all furniture in the visits area;
 - b. all trash containers, requiring staff to remove trash accumulated during visits;
 - c. any items or equipment used during visits;
 - d. walls, ceilings, or other structural areas that may have eluded staff observance; and
 - e. bathroom facilities and equipment, including removal of accumulated trash by staff.

G. Supervision of Visits

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1. Adult facilities must provide direct visual supervision of the entire visits area at all times. While mirrors or cameras can augment direct supervision and compensate for blind spots, staff must position themselves throughout visits to maintain a direct line of sight on interactions between offenders and visitors.
2. Youth facilities must provide, at a minimum, intermittent direct visual supervision of the entire visiting area. While mirrors or cameras can augment direct supervision and compensate for blind spots, youth facility staff will periodically position themselves with a direct line of sight on interactions between offenders and visitors.
3. Staff are required to immediately intervene on inappropriate behavior, which may include behavior outside the bounds of permitted intimacy, or involve any violation of visiting regulations that may prove uncomfortable, disruptive, or offensive to other offenders and visitors.
4. Should inappropriate behavior result in an incident report or termination of the visit, staff must provide the reasons for terminating a visit in writing to the offender who in turn may appeal the action to the facility administrator.
5. Notices will be posted informing visitors of the potential for monitoring anywhere in the visiting area, e.g., staff of the same gender as the visitor may monitor the restrooms during visits if there is a reasonable suspicion that a visitor or offender may engage or be engaging in some form of prohibited behavior.

H. Special and Extended Visits

1. Special visits may be approved in accordance with facility procedures for persons who travel long distances, visit hospitalized offenders, visit offenders in locked housing status, or for visits arranged between offenders and support personnel such as attorneys, clergy, social service agency representatives, or foreign consular representatives. Staff must verify the qualifications of special visitors and may request background information and official assignment documentation from the potential visitor for this purpose.
2. Facility procedures will specify the conditions and requirements for special visits. Attorney visits will take place in private conference rooms or where the attorney and offender may be afforded sound privacy. Staff may not subject such visits to auditory supervision.
3. Facilities that permit extended visits must provide eligibility guidelines and other specifics such as length, location, and conditions of visits.

V. CLOSING

Questions concerning this policy should be directed to chief of security or facility administrator.

VI. REFERENCES

- A. 37-61-418, MCA, *Attorney May See Prisoner*; 45-7-307, MCA, *Transferring Illegal Articles – Unauthorized Communication*
- B. 4-4498, 4-4499, 4-4499-1, 4-4500 through 4-4504; *ACA Standards for Adult Correctional*

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Institutions, 4th Edition

C. 3-JTS-2E-03; ACA Standards for Juvenile Correctional Facilities, 2003

D. DOC Policies 3.1.5, Entrance Procedures; 3.1.17, Searches and Contraband Control

E. MSP Policy 3.4.1, Inmate Discipline

F. Deserly v. Department of Corrections, 2000 MT 42 (Mont. 2000)

VII. ATTACHMENTS

None.